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| APPLICATION NO.               | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-------------------------------|-------------|----------------------|---------------------|------------------|
| 09/887,083                    | 06/25/2001  | Hisaki Miyamoto      | P20983              | 8590             |
| 7055                          | 7590        | 05/06/2004           | EXAMINER            |                  |
| GREENBLUM & BERNSTEIN, P.L.C. |             |                      | MAKI, STEVEN D      |                  |
| 1950 ROLAND CLARKE PLACE      |             |                      | ART UNIT            | PAPER NUMBER     |
| RESTON, VA 20191              |             |                      | 1733                |                  |

DATE MAILED: 05/06/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action**

Application No.

09/887,083

Applicant(s)

MIYAMOTO ET AL.

Examiner

Steven D. Maki

Art Unit

1733

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 4-28-04 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

**PERIOD FOR REPLY** [check either a) or b)]

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on \_\_\_\_\_. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☒ The proposed amendment(s) will not be entered because:
- (a) ☒ they raise new issues that would require further consideration and/or search (see NOTE below);
  - (b) ☒ they raise the issue of new matter (see Note below);
  - (c) ☒ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
  - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: see advisory action attachment.

3. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.
4. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☐ The a) ☐ affidavit, b) ☐ exhibit, or c) ☐ request for reconsideration has been considered but does NOT place the application in condition for allowance because: \_\_\_\_\_.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☒ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: \_\_\_\_\_.

Claim(s) objected to: \_\_\_\_\_.

Claim(s) rejected: 1-4, 6-8 and 14-17.

Claim(s) withdrawn from consideration: \_\_\_\_\_.

8. ☐ The drawing correction filed on \_\_\_\_\_ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_.
10. ☐ Other: \_\_\_\_\_

Advisory Action Attachment

The new issues and issues of new matter are (1) changing "a high pressure air source that supplies air pressure to said contact pins" (claim 1) to --an air source that supplies air pressure to extend said contact pins-- and (2) changing "supplying high pressure air to said contact pins" (claim 14) to --supplying air to extend said contact pins--.

Remarks

Applicant argues that the 35 USC 112 first paragraph has been overcome in that the claims comply with the written description requirement. The 35 USC 112 first paragraph rejection stands because the original disclosure fails to reasonably convey supplying high pressure air to the pins instead of cylinder 40. The original disclosure describes sending the air to the air cylinder 40. No other location such as an inflatable contact pin is described.

The 35 USC 112 second paragraph rejection stands for the reasons given in the last office action. It remains unclear if claims 1 and 14 require direct contact of air and pins or something else (e.g. an air cylinder) and, as such, the location to which the high pressure air is supplied remains unclear.

Applicant argues that there is no motivation to modify Europe '178 to have jigs 6, 8 and shafts 18, 20 of Japan '234 and that the glass plate 11 of Europe '178 might be damaged or destroyed due to pressure applied by the upper jig. These arguments are irrelevant since claims 1 and 14 fail to require jigs.

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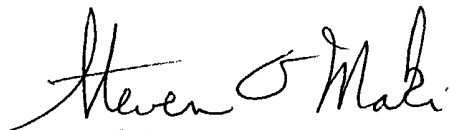
Applicant argues that there is a lack of motivation to modify the combination of references in the manner set forth in the office action. The examiner disagrees since (1) Japan '234 motivates one of ordinary skill in the art to use a centerer having **radially movable pins** in Europe '178's process of making a laminated optical disc to so that the substrates of the laminated optical disc are aligned with high accuracy and (2) Japan '137 suggests moving radially movable pins of a centerer using an air cylinder.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven D. Maki whose telephone number is (571) 272-1221. The examiner can normally be reached on Mon. - Fri. 7:30 AM - 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Crispino can be reached on (571) 272-1226. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Steven D. Maki  
May 4, 2004

  
STEVEN D. MAKI 5-4-04  
PRIMARY EXAMINER  
~~GROUP 1300~~  
AU 1733